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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/487,594 | 01/19/2000 | Eberhard Kuebler | 225/48391 | 3340 |

7590 01/03/2002

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EXAMINER

AVERY, BRIDGET D

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3618

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/487,594

Applicant(s)

Kuebler et al.

Examiner

Bridget Avery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 17, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) 11 and 13-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1, 4-7, and 17 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 8-10, and 12 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

1. The amendment filed by applicant on 10/17/01 is acknowledged.
2. The translation of the priority document, filed by applicant, is acknowledged.
3. The change of address, filed by applicant, is acknowledged.

Claim Objections

4. Claim 1 is objected to because of the following informalities: On line 4, (of the marked up copy) "sell" should be changed to --cell--. Appropriate correction is required.

Claim Rejection - 35 USC 112

- 4.5. Claim 12 is rejected to under 35 USC 112 Second para. Note, the recitation "the fuel tank" lacks proper antecedent basis (line 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. manner in which the invention was made.

6. Claims 1, 4-7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worst (4,489,242) in view of old and well known portable compact disc players.

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Worst discloses a stored power system including: multiple batteries (19a, 19b) for supplying power to vehicle accessories (49). The batteries (19a, 19b) are "capable" of being collocated with the accessories on or in a component of the vehicle. The device is also "capable" of being preassembled as a subassembly. Worst discloses vehicle body modules such as freezer systems. See column 8, lines 50-65. With respect to claim 4, see column 9, lines 1-27. With respect to claim 6, see column 7, lines 37-41.

Old and well known ^{portable,} compact disc players are capable of being powered by fuel cells that are isolated from other power generators of a vehicle power supply system.

Based on the teachings of old and well known compact disc players, it would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify the system of Worst to also include a preassembled ^{portable,} compact disc player with isolated fuel cells to facilitate ease in listening to compact disc, without requiring power from the vehicle, to thereby prolong the life of the battery, generator, alternator, etc.

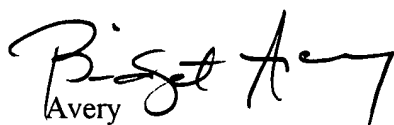
Allowable Subject Matter

7. Claims 2, 3, ^{and} 8-10 ~~and 12~~ are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

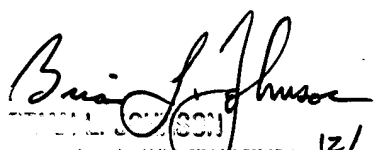
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Conclusion

8. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number (703) 308-2086.


Avery

December 31, 2001


BRIAN L. JOHNSON
12/31/01